

Serial No. 10/781,240
37 C.F.R. § 1.53 (b) Divisional Application of
Parent Application, Serial No. 08/943,123
Preliminary Amendment
April 16, 2004

Remarks

The amendment to the written description corrects a typographical error. Newly presented claims 85-102 are based on the allowed claims in Serial No. 08/943,125 filed October 3, 1997, and the first full paragraph on page 20 of the written description of Serial No. 08/943,125. Serial No. 08/943,125 is based on the same original application as the parent application in this case, Serial No. 08/943,123. The examiner indicated in Serial No. 08/943,125, that she found claims 45-48, 51-54 and 57, 58 allowable over the prior art. Applicant attached the office action in Serial No. 08/943,125 in the previous amendment filed on February 18, 2004, indicating this. Newly presented claims 85-102 correspond to these claims.

Applicant points out that in lieu of the multiple dependent claim format of old claim 58 in Serial No. 08/943,125, the present amendment sets out corresponding new claims 107-110 in a conventional independent claim format, but include the same number of claims as old claim 58.

Applicant has added cadmium oxide and lead monoxide to the category of solid lubricants in claims 60 and 64. The application supports these amendments at page 16 second full paragraph and third full paragraph respectively. The amendment adds claims 94-105 relating to a method of the invention where the lubricant comprises the chalcogenides of non-noble metals and mixtures thereof, such as the chalcogenides of molybdenum, antimony, niobium, and tungsten, and mixtures thereof, or sulfides of

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these metals, and mixtures thereof. The application supports these claims at page 24, third paragraph, page 25, first and second paragraphs, and page 26 first paragraph.

Newly added claim 106 relates to the combination of a grease lubricant with the superabsorbent polymer. The application supports claim 106 at pages 13-14.

Claims 107-110 relate to substantially anhydrous compositions of the present invention, supported by page 29, second paragraph of the written description.

Applicant requests the examiner to consider the foregoing claims and the references cited in the Information Disclosure Statement submitted with this preliminary amendment. The claims are distinguishable from the references for the same reasons the examiner indicated that claims 45-48, 51-54 and 57, 58 in Serial No. 08/943,125 were distinguishable. These claims are also distinguishable for the reasons advanced by the applicant during the prosecution of Serial No. 08/943,125. All of these reasons apply to the claims in this application as well.

The examiner, however, rejected claims 45-48, 51-54 and 57, 58 in Serial No. 08/943,125 on the grounds of provisional obviousness-type double patenting in view of the invention claimed in application Serial No. 08/943,123 which has now been allowed and the issue fee paid. Application Serial No. 08/943,123 has not yet issued as a United States Patent, but in order to address the rejection, applicant filed a Terminal Disclaimer in this application on February 18, 2004.

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CONCLUSIONS

Applicant requests the examiner to pass the present claims to issue in view of the foregoing amendments and remarks.

Respectfully submitted,

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By 
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Dated: April 16, 2004

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Dated: April 16, 2004